HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

Coram : **Hon'ble Shri H. L. Dattu, C.J. and**
Hon'ble Shri Dilip Raosaheb Deshmukh, J.

M.A.(C) No.497 of 2007

Appellant
Claimant

Devki Bai Widow of Late Shri Tularam Yadav, aged about 58 years (wrongly mentioned as 50 years in the impugned award) resident of village Patekohra, Tahsil Chhuriya, District Rajnandgaon (C.G.)

versus

Respondents

1. Balwant son of Shri Dayal Singh @ Daya Singh, aged about not known, resident of Ramnagar Indore, District Indore (M.P.)
2. The New India Insurance Company Limited, registered and Head Office, New India Insurance Company Limited, 87, Mahatma Gandhi Marg Court Mumbai – 400 001, Divisional Office through Divisional Manager, Power House Bhilai District Durg (C.G.)

Appeal under Section 173 (2) of the Motor Vehicle Act, 1988

Present: Shri Abhishek Sharma, counsel for the appellant.

ORAL ORDER
(Passed on 30th April, 2007)

The following oral order of the Court was passed by **Dilip Raosaheb Deshmukh, J.:**

Heard.

2. This appeal is directed against the award dated 08.08.2006 passed by the 1st Additional Motor Accidents Claims Tribunal, Rajnandgaon (hereinafter referred to as the M.A.C.T.) in claim case No. 38 of 2004 whereby in case of accidental death of Harau Singh @

Hiran Singh @ Chhoturam Yadav on 11.4.2003, compensation of Rs.1,32,500/- has been awarded under the following heads:

a)	Loss of dependency	:	Rs.1,28,000/-
b)	Funeral expenses	:	Rs. 2,000/-
c)	Loss of Estate	:	Rs. 2,500/-

3. Learned counsel for the appellant did not question the compensation awarded by the M.A.C.T. under the above mentioned heads but only urged that the M.A.C.T. ought to have also awarded some compensation under the head of loss of love and affection to the mother of the deceased. No other point was urged.

4. Having heard the learned counsel for the appellant, we have perused the impugned award. The mother of the deceased had filed an application under Section 163-A of the Motor Vehicles Act for award of compensation on structured formula basis. Under the structured formula provided in the second schedule under Section 163-A of the Motor Vehicles Act, compensation is to be awarded only, as indicated in the second schedule, which does not contain the head of loss of love and affection. We, therefore, find no merit in this appeal which is accordingly dismissed.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge